



**COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING AND BUILDING
STAFF REPORT**

Tentative Notice of Action

*Promoting the wise use of land
Helping build great communities*

MEETING DATE August 5, 2005 EFFECTIVE DATE August 19, 2005	CONTACT/PHONE Brian Pedrotti 788-2788	APPLICANT Betty Sherer	FILE NO. DRC2004-00154
SUBJECT Request by Betty Sherer for a Minor Use Permit to allow construction of an 1,154 square foot secondary dwelling with attached 550 square foot garage on a 2.5 acre parcel. The proposed project is within the Residential Suburban land use category and is located at 1611 Badger Canyon Lane, northwest of the intersection of Badger Canyon Lane and Highway 227 (Corbett Canyon Road), approximately 1 mile north of the City of Arroyo Grande. The site is in the San Luis Bay (Inland) planning area.			
RECOMMENDED ACTION Approve Minor Use Permit DRC2004-00154 based on the findings listed in Exhibit A and the conditions listed in Exhibit B.			
ENVIRONMENTAL DETERMINATION A Class 3 Categorical Exemption was issued on July 5, 2005.			
LAND USE CATEGORY Residential Suburban	COMBINING DESIGNATION None	ASSESSOR PARCEL NUMBER 044-501-007	SUPERVISOR DISTRICT(S) 4
PLANNING AREA STANDARDS: None applicable			
LAND USE ORDINANCE STANDARDS: 22.10.090 - Height Measurements, 22.10.140 - Setbacks, 22.30.470 - Secondary Dwellings Does the project conform to the Land Use Ordinance Standards: Yes - see discussion			
FINAL ACTION This tentative decision will become final action on the project, effective on the 15 th day following the administrative hearing, or August 19, 2005, if no hearing was requested unless this decision is changed as a result of information obtained at the hearing or is appealed.			
EXISTING USES: Single-family residence, horse stables and pasture			
SURROUNDING LAND USE CATEGORIES AND USES: North: Residential Suburban / residences South: Residential Suburban / residences East: Residential Suburban / residences West: Residential Suburban / residences			
ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING & BUILDING AT: COUNTY GOVERNMENT CENTER ♦ SAN LUIS OBISPO ♦ CALIFORNIA 93408 ♦ (805) 781-5600 ♦ FAX: (805) 781-1242			

OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: The project was referred to: Public Works, CDF, City of Arroyo Grande	
TOPOGRAPHY: Nearly level to gently sloping	VEGETATION: Grasses, forbs
PROPOSED SERVICES: Water supply: On-site well Sewage Disposal: Individual septic system Fire Protection: CDF	ACCEPTANCE DATE: April 29, 2005

DISCUSSION

LAND USE ORDINANCE STANDARDS:

22.10.090 - Height Measurements: Maximum Height for a residence is 35 feet. As proposed, the project meets this standard.

22.10.140 - Setbacks: Setbacks for the project site are 25 feet in the front and 30 feet on the sides and rear of the property.

22.30.470 Secondary Dwellings: This section requires a secondary dwelling on a parcel with a minimum of 2 acres, in a land use category other than Residential Single-Family served by community water and septic to:

- be located on a maintained road that is surfaced with chip seal or better,
- provide one off-street parking space,
- be architecturally compatible with the primary dwelling,
- be a maximum of 800 square feet in size, and
- be located a maximum of 250 feet away from the primary dwelling.

This section allows the Review Authority to approve exceptions to design standards to allow a secondary dwelling larger than 800 square feet with approval of a discretionary land use permit.

STAFF COMMENTS:

The proposed secondary dwelling meets all of the standards in Section 22.30.470 except the standards for size of dwelling, which is limited to 800 square feet. The proposed secondary dwelling is approximately 1,154 square feet in size.

When considering a waiver request staff evaluates if the additional size of the secondary dwelling will cause any potential environmental or aesthetic concerns and verifies compatibility with the neighborhood. After visiting the site staff believes the additional size will not cause any of the previously mentioned concerns and is compatible with the area.

Aesthetic Consideration: The proposed secondary residence will be conditioned to be architecturally compatible with the primary residence so as to not detract from the primary use of the property.

Neighborhood Compatibility: The area is zoned Residential Suburban and consists of primarily 2.5+ acre lots. A secondary dwelling of 354 square feet larger than what is allowed will not be inconsistent with the character of the area.

AGENCY REVIEW:

Public Works – Recommend approval, no conditions.

CDF – See attached fire safety letter dated March 10, 2005.

City of Arroyo Grande – City does not object to secondary dwelling in RR and RS Arroyo Grande fringe areas provided minimum parcels are 2.5 acres and city traffic and fire impact fees are paid as well as County fees.

LEGAL LOT STATUS:

The one lot was legally created by a recorded map at a time when that was a legal method of creating lots.

Staff report prepared by Brian Pedrotti and reviewed by Kami Griffin

EXHIBIT A - FINDINGS

CEQA Exemption

- A. The project qualifies for a Categorical Exemption (Class 3) pursuant to CEQA Guidelines Section 15303 because the project is considered new construction of limited small new facilities that will not cause a significant impact to the environment.

Minor Use Permit

- B. The proposed project or use is consistent with the San Luis Obispo County General Plan because the use is an allowed use and as conditioned is consistent with all of the General Plan policies.
- C. As conditioned, the proposed project or use satisfies all applicable provisions of Title 22 of the County Code.
- D. The establishment and subsequent operation or conduct of the use will not, because of the circumstances and conditions applied in the particular case, be detrimental to the health, safety or welfare of the general public or persons residing or working in the neighborhood of the use, or be detrimental or injurious to property or improvements in the vicinity of the use because the secondary dwelling does not generate activity that presents a potential threat to the surrounding property and buildings. This project is subject to Ordinance and Building Code requirements designed to address health, safety and welfare concerns.
- E. The proposed project or use will not be inconsistent with the character of the immediate neighborhood or contrary to its orderly development because the secondary dwelling is similar to, and will not conflict with, the surrounding lands and uses.
- F. The proposed project or use will not generate a volume of traffic beyond the safe capacity of all roads providing access to the project, either existing or to be improved with the project because the project is located on Badger Canyon Lane, a local road constructed to a level able to handle any additional traffic associated with the project

Secondary Dwelling Adjustments

- G. Modification of the maximum floor area for secondary dwellings from 800 square feet to allow a secondary dwelling of 1,154 square feet in size is justified because there are specific conditions of the site that make the standard unnecessary. These conditions consist of minimal site disturbance, no significant increase in traffic, and no significant increase in water consumption.

EXHIBIT B - CONDITIONS OF APPROVAL

Approved Development

1. This approval authorizes
 - a. construction of a 1,154 square foot secondary dwelling.
 - b. maximum height is 35 from average natural grade.

Conditions required to be completed at the time of application for construction permits

Site Development

2. **At the time of application for construction permits** plans submitted shall show all development consistent with the approved site plan, floor plan, architectural elevations and landscape plan.
 - a. All porches shall meet the standards in the Land Use Ordinance (Section 22.10.140.H.4.

Fire Safety

3. **At the time of application for construction permits**, all plans submitted to the Department of Planning and Building shall meet the fire and life safety requirements of the California Fire Code. Requirements shall include, but not be limited to those outlined in the Fire Safety Plan, prepared by the CDF/County Fire Department for this proposed project and dated March 10, 2005.

Services

4. **At the time of application for construction permits**, the applicant shall submit evidence that there is adequate water to serve the proposal, on the site.
5. **At the time of application for construction permits**, the applicant shall submit evidence that a septic system, adequate to serve the proposal, can be installed on the site.

Conditions to be completed prior to issuance of a construction permit

Fees

6. **Prior to issuance of a construction permit**, the applicant shall pay all applicable school and public facilities fees.

Owner Occupancy Requirement

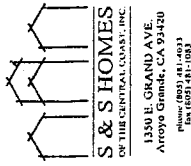
7. **Prior to issuance of a construction permit**, the applicant for the second unit shall record a notice against the property notifying any subsequent purchaser that failure to meet this requirement will subject the second unit to abatement by the county pursuant to Chapter 22.74 of this title. No secondary dwelling shall be allowed on the site unless an owner of the site agrees to occupy one unit on the site as his or her primary residence.

Conditions to be completed prior to occupancy or final building inspection / establishment of the use

8. **Prior to occupancy or final inspection**, which ever occurs first, the applicant shall obtain final inspection and approval from CDF of all required fire/life safety measures.
9. **Prior to occupancy of any structure associated with this approval**, the applicant shall contact the Department of Planning and Building to have the site inspected for compliance with the conditions of this approval.

On-going conditions of approval (valid for the life of the project)

10. This land use permit is valid for a period of 24 months from its effective date unless time extensions are granted pursuant to Land Use Ordinance Section 22.64.070 or the land use permit is considered vested. This land use permit is considered to be vested once a construction permit has been issued and substantial site work has been completed. Substantial site work is defined by Land Use Ordinance Section 22.64.080 as site work progressed beyond grading and completion of structural foundations; and construction is occurring above grade.
11. All conditions of this approval shall be strictly adhered to, within the time frames specified, and in an on-going manner for the life of the project. Failure to comply with these conditions of approval may result in an immediate enforcement action by the Department of Planning and Building. If it is determined that violation(s) of these conditions of approval have occurred, or are occurring, this approval may be revoked pursuant to Section 22.74.160 of the Land Use Ordinance.



PROJECT STATISTICS

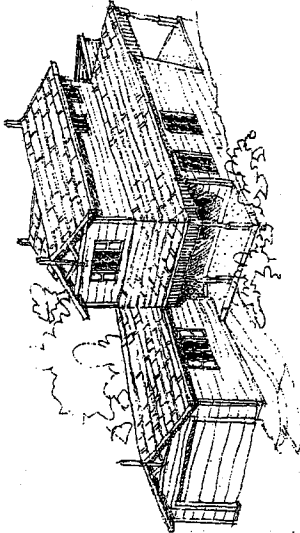
OWNER:	Betty Sherer 1611 Badger Canyon Arroyo Grande, CA	044-591-007
APR:	44583	007
BL:	01	RS
LOT:	01	YES
ZONE:	RS	108,337 SF
FLOOD ZONE:	YES	
SITE AREA:	25'	
SET BACKS:	FRONT: 11'	
	SIDE: 30'	
	BACK: 30'	
BUILDING AREA:	305 SF	
UPPER LEVEL:	849 SF	
LOWER LEVEL:	1154 SF	
GROSS LIVING AREA:	471 SF	
GARAGE AREA:		

ARCHITECT:
John Mack
1141 Highland Ave
Grover Beach, Ca 93433

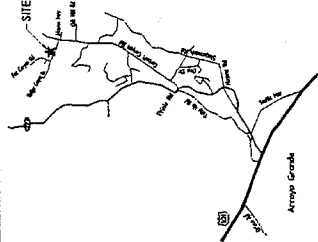


OWNER:
Betty Sherer
1611 Badger Canyon
Arroyo Grande, Ca

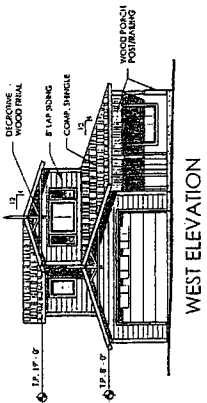
BADGER CANYON
SITE PLAN



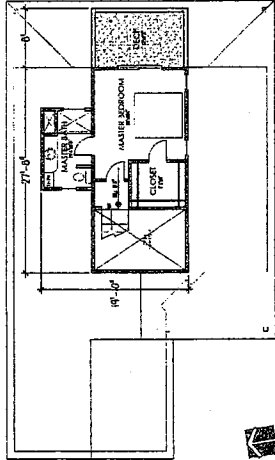
VICINITY MAP



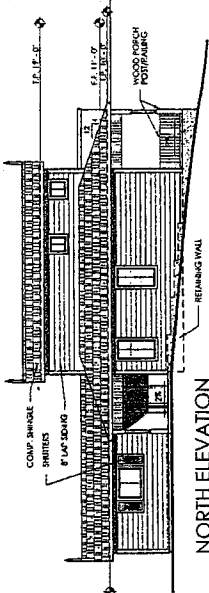
SCALENTS



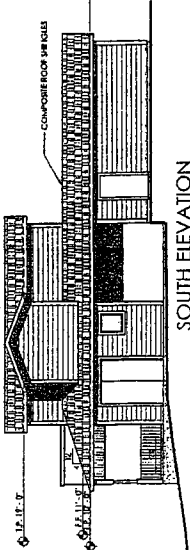
WEST ELEVATION



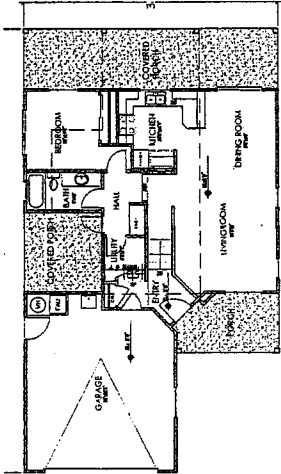
UPPER FLOOR PLAN



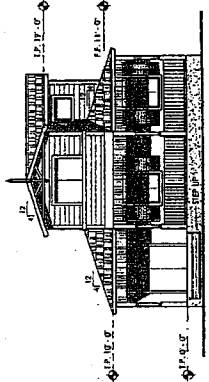
NORTH ELEVATION



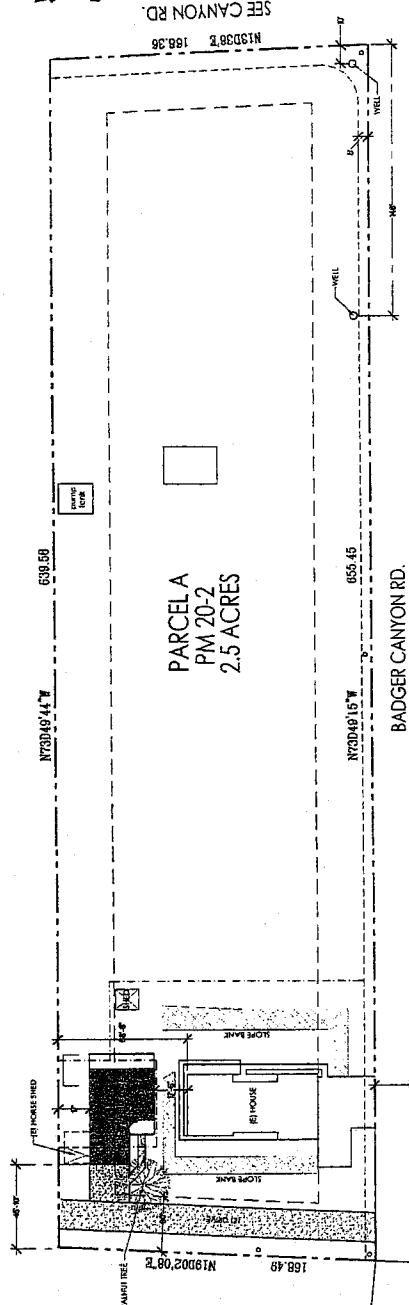
SOUTH ELEVATION



LOWER FLOOR PLAN



EAST ELEVATION



SITE PLAN



CDF/San Luis Obispo County
Fire Department

635 N. Santa Rosa • San Luis Obispo • California, 93405

March 10, 2005

County of San Luis Obispo
Department of Planning/Building
County Government Center
San Luis Obispo, CA 93408

RECEIVED
MAR 11 2005
PLANNING & BUILDING

Dear South County Team,

MINOR USE PLAN

Name: Sherer **Project Number:** DRC2004-00154

The Department has reviewed the minor use plans submitted for the proposed secondary residence project located at 1611 Badger Cyn., Arroyo Grande. The property is located within high fire hazard severity area, and will require a minimum 12-15 minute response time from the nearest County Fire Station.

The owner of the project shall meet the minimum fire and life safety requirements of the California Fire Code (1998 edition) with amendments. This fire safety plan shall remain on the project site until final inspection. The following standards are required:

BUILDING SETBACKS

- All parcels one acre and larger shall provide a minimum 30-foot setback from all property lines.
- Project shall be allowed to build closer than 17 feet to the property line with the following mitigation;
 - The project shall provide non-combustible siding on the structure.
 - The project shall provide a minimum class 'A' roof covering.

WATER STORAGE TANK

- A minimum of 2,500 gallons of water in storage shall be required.
- Emergency water tanks shall have a:
 1. automatic fill,
 2. sight gage,
 3. venting system,
 4. minimum 4-inch plumbing schedule 40 PVC or iron pipe.
- The system shall gravity drain to **residential fire connection**.

WATER SUPPLY CONNECTION

- One residential fire connection shall be required.
- The connection shall be:
 1. on the driveway approach to the residence,
 2. not less than 50 feet, or exceed 150 feet from the residence,
 3. within 8 feet of driveway,
 4. two feet above grade,
 5. brass with 2½ inch National Standard male hose thread and cap,
 6. identified by a blue reflector,
 7. 8 feet from flammable vegetation.
- The Chief shall approve other uses not identified.

ROADS STANDARDS

- Access roads provide vehicular access to more than one lot of record or to one lot of record with more than four dwelling units.
- Access road widths shall be a minimum of 18 feet.

CONSERVATION IS WISE-KEEP CALIFORNIA GREEN AND GOLDEN

PLEASE REMEMBER TO CONSERVE ENERGY. FOR TIPS AND INFORMATION, VISIT "FLEX YOUR POWER" AT WWW.CA.GOV.

- Access roads shall have an unobstructed vertical clearance of not less than 10' 0".
- 1. Access roads shall be named and signed.
- Road naming and signing shall occur prior to building final.
- Road name and sign information is available by phoning 781-5199.

DRIVEWAY STANDARDS

- The driveway width shall be 16 feet,
- A driveway exceeding 300 feet shall provide turnaround within 50 feet of the residence.
 1. Turnarounds shall be a minimum 40-foot radius or a hammerhead/T 60 feet long.

ACCESS ROAD AND DRIVEWAY SURFACES

- Access roads and driveways surfaces shall be:
 1. All weather surfaced to a maximum grade of less than 12%.
 2. Asphalt or concrete with a non-skid finish for any grade exceeding 12% to a maximum grade of 16%.
 3. Meet a load capacity of 20 tons

ADDRESSING

- Legible address numbers shall be placed on all residences.
- Each residence shall be assigned a separate address.
- Legible address numbers shall be located at the driveway entrance.

VEGETATION CLEARANCE

To provide safety and defensible space the following shall be required:

- To each side of roads and driveways a 10-foot fuel-break shall be provided.
- Maintain around all structures a 30-foot firebreak.
 1. This does not apply to landscaped areas and plants.
- Remove any part of a tree that is within 10 feet of a chimney outlet.
- Maintain any tree adjacent to or overhanging any building free of deadwood.
- Maintain the roof of any structure free of leaves, needles or other dead vegetative growth.

FINAL INSPECTION

- The project will require final inspection. **Please allow five (5) working days for final inspection.** When the safety requirements have been completed, **call Fire Prevention at (805) 543-4244, extension 2220**, to arrange for a final inspection. Currently Southern San Luis Obispo County inspections occur on Tuesdays and North County inspections occur on Thursdays.

Further information may be obtained from our website located at www.cdfslo.org ~ Planning and Engineering section. If we can provide additional information or assistance, please call (805) 543-4244.

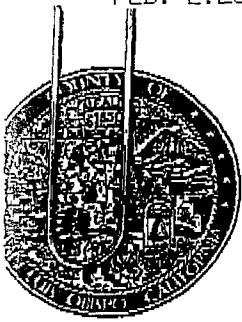
Sincerely,



Gilbert R. Portillo

Fire Inspector

C:Ms. Betty Sherer , owner
Mr. John Mack, agent



4

SAN LUIS OBISPO COUNTY
DEPARTMENT OF PLANNING AND BUILDING

RECEIVED
DIRECTOR

THIS IS A NEW PROJECT REFERRAL

JAN 31 2005

DATE:

1/28/05

TO:

City of A.G.

FROM:

South Co. Team

(Please direct response to the above)

CITY OF ARROYO GRANDE
COMMUNITY DEVELOPMENT

Sherer

DRC2004-00154

Project Name and Number

Development Review Section (Phone:

788-2009)

*OR ASK THE SWITCH-
(BOARD FOR THE PLANNERS)

PROJECT DESCRIPTION:

mup to modify existing SFD.
Addition: 1,154 sq. ft. "Granny-unit" adjacent
to primary residence. On 2.5 acres in Arroyo Grande
of Badger Cyn. APN: 044-501-007.

return this letter with your comments attached no later than:

2/14/05

ART I IS THE ATTACHED INFORMATION ADEQUATE FOR YOU TO DO YOUR REVIEW?

X

YES (Please go on to Part II)

NO

ART II ARE THERE SIGNIFICANT CONCERNS, PROBLEMS OR IMPACTS IN YOUR AREA OF REVIEW?

X

NO (Please go on to Part III)

YES (Please describe impacts, along with recommended mitigation measures to reduce the impacts to less-than-significant levels, and attach to this letter.)

ART III INDICATE YOUR RECOMMENDATION FOR FINAL ACTION. Please attach any conditions of approval you recommend to be incorporated into the project's approval, or state reasons for recommending denial. IF YOU HAVE "NO COMMENT," PLEASE INDICATE.

City does not object to secondary dwellings in RR and RS Arroyo
Grande fringe area provided the minimum parcels are 2.5 ac. and
city traffic and fire impact fees are paid as well as County fees.

2/2/05

ate

Rob Strong, Community Development Director
Name City of Arroyo Grande

4735420
Phone



SAN LUIS OBISPO COUNTY
DEPARTMENT OF PLANNING AND BUILDING

JAN 28 2005

VICTOR HOLANDA, AICP
DIRECTOR

THIS IS A NEW PROJECT REFERRAL

DATE:

1/28/05

From

PU

Sherer

FROM:
#/#

South Co. Team

(Please direct response to the above)

DRC2004-00154

Project Name and Number

Development Review Section (Phone:

788-2009)

*OR ASK THE SWITCH-
BOARD FOR THE PLANNING

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2/14/05

PART I

IS THE ATTACHED INFORMATION ADEQUATE FOR YOU TO DO YOUR REVIEW?

☒ YES
☐ NO

(Please go on to Part II)

PART II

ARE THERE SIGNIFICANT CONCERNS, PROBLEMS OR IMPACTS IN YOUR AREA OF REVIEW?

☒ NO
☐ YES

(Please go on to Part III)

(Please describe impacts, along with recommended mitigation measures to reduce the impacts to less-than-significant levels, and attach to this letter.)

PART III

INDICATE YOUR RECOMMENDATION FOR FINAL ACTION. Please attach any conditions of approval you recommend to be incorporated into the project's approval, or state reasons for recommending denial. IF YOU HAVE "NO COMMENT," PLEASE INDICATE.

RECOMMEND Approval - No CONCERNS. ?

08 Feb 2005
Date

-Goodman
Name

5252
Phone